

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JANE DOE, <i>as Next Friend of MARY DOE, et al.</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:22-cv-00461-MTS
)	
WENTZVILLE R-IV SCHOOL DISTRICT,)	
<i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Jane Doe’s Petition for Appointment of Next Friend, Doc [2], where Plaintiff Jane Doe requests that the Court appoint her as the Next Friend of Mary Doe. The Complaint in this case indicates that Mary Doe was born in 2006, Doc. [1] ¶ 3, which means Mary Doe is over the age of fourteen. Missouri Revised Statute § 507.130¹ requires that the appointment for a Next Friend must be made by the infant if the infant is at least fourteen years of age. *Compare, e.g.*, Mo. Rev. Stat. § 507.130 (setting procedure for how a next friend is appointed if the infant is “of the age of fourteen years”), *with* § 507.140 (setting procedure when the infant is “under the age of fourteen years”). Plaintiffs included no such request from Mary Doe despite her age. *See, e.g.*, Doc. [21] at 2 (*Jane* Doe “request[ing] this Court to appoint her as the Next Friend of” Mary Doe). Nor did Plaintiffs present any facts or law to support the notion that the Court may grant Jane Doe’s request in this case without a request by Mary Doe.

Accordingly,

¹ *See* Fed. R. Civ. P. 17(b)(3) (requiring that one’s capacity to sue or be sued is determined by the law of the state where the court is located).

IT IS HEREBY ORDERED that the Petition for Appointment of Next Friend, Doc. [2], is **DENIED** without prejudice.

Dated this 6th day of October, 2022.

A handwritten signature in black ink, appearing to read 'MTS', is written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE